

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
v.)	No. 3:06-CR-145
)	(Phillips / Guyton)
JESSE RONDALE BAILEY,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

Defendant Jesse Rondale Bailey has filed two motions *pro se*: Motion to Substitute Attorney [Doc. 59]; and Motion for a Judgement of Acquittal [Doc. 60]. The District Court has referred these pretrial motions to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition as may be appropriate, [Doc. 61]. Defendant Bailey is represented by Attorney Gerald Gulley.

Mr. Bailey's Motion to Substitute Attorney [Doc. 59] sets forth issues and concerns within the attorney-client relationship. This Court will not endeavor to manage Attorney Gulley's handling of Mr. Bailey's defense. However, because Mr. Bailey has asked that the Court appoint new counsel, this matter will be set for a hearing on its merits. The Court observes that Attorney Gulley is the fourth lawyer to represent Mr. Bailey in this case.

Mr. Bailey has also filed a Motion for a Judgement of Acquittal [Doc. 60], having been convicted following a trial by jury in August, 2007. Mr. Bailey is pending sentencing by the District Court. Because Mr. Bailey is represented by counsel, the Court finds his motion violates Local

and Withdrawal of Counsel, which provides, in relevant part:

(c) Representation *Pro Se* After Appearance by Counsel

Whenever a party has appeared by attorney, that party may not thereafter appear or act in his or her own behalf in the action or proceeding, unless an order of substitution shall first have been made by the court, after notice by the party to the attorney and to the opposing party. However, the court may, in its discretion, hear a party in open court, notwithstanding the fact that the party is represented by an attorney.

This Court will not proceed on the merits of a substantive motion filed *pro se* so long as Mr. Bailey is represented by counsel. Accordingly, Motion for a Judgement of Acquittal [**Doc. 60**] is **DENIED**, without prejudice.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge